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ABSTRACT

Racial segregation is contrary to the basic tenets of the Judaic Christian faith. When educational systems segregate children on the basis of race, a moral imperative exists to correct such situations. There is a need for churches and congregations to go beyond Constitutional and legal requirements and to address school desegregation as a moral imperative. There are theological and moral mandates for integration, but the Constitutional issues are also important. Both Constitutional and religious principles are violated so long as racial segregation is allowed to continue. Community leadership in desegregation is important. (GC)

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SCHOOL DESEGREGATION

STATEMENT AND SUPPORTING DOCUMENTS

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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March - April 1977

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(to be considered for signing by Judicatory and denominational executives)

Background Papers

These papers were developed by a committee of the Indiana Interreligious Commission on Human Equality to provide information for the consideration of the statement. They are not included as material to which signatures are attached.

STATEMENT OF NEED TO ADDRESS SCHOOL DESEGREGATION AS A MORAL IMPERATIVE

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STATEMENT ON SCHOOL DESEGREGATION

We hold that racial segregation is contrary to the tenets and moral convictions of our Judaic-Christian faith and is a denial of the basic principle of our equality as sons and daughters of the one living God. When educational systems segregate children because of race, then a moral imperative exists to correct such situations.

The courts have found that some Indiana communities have segregated public schools in violation of the United States Constitution. Many other school systems are being required to comply with State and Federal civil rights statutes.

WE CALL for the peaceful implementation of remedies for school desegregation and integration required by law. In all school systems, we ask for voluntary constructive actions to eliminate all traces of racial segregation. The issue compels us to urge all people to go beyond Constitutional and legal requirements and to work to end racial segregation in education because of the moral imperative to right this wrong.

WE CALL UPON ALL PEOPLE to embrace desegregation as a total way of life, seeking to end racial segregation, not only in educational systems, but in all areas of our lives.

NEED TO ADDRESS SCHOOL DESEGREGATION AS A MORAL IMPERATIVE

People should be able to accept and adhere to desegregation of the schools not only because it is the law of the land, but also because it is morally right. The law of the land is not enough for the "People of God" who find life in congregations. The letter of the law without the spirit of the law is a sterile concept. It is religion which gives life to moral law. People have a need to refer to statements made by religious leaders on specific matters which will support and affirm both the law and the People of God under the law.

The National Center for Quality Integrated Education has documented the fact that:

> "Statements become unifying positions which portray strong civil and moral leadership in the community. (they)...become a focal point.. (and)..also help 'grass roots' involvement".
>
> (from Developing the Public Position Statement issued by the National Center for Quality Integrated Education)

The United States Civil Rights' Commission Report on Desegregation of our Nation's Schools gives us evidence that where the religious community was an active moral force supporting peaceful school desegregation, there was less violence and hostility. Indeed, in some cases, violence was absent. In the Background Paper on Precedents we will quote from this report.

To show that the need exists, we print for you some statements made when approaching persons in regard to their attendance and participation in the workshops "Education - The Unfinished Revolution" which are sponsored by IICHE and the Indiana State Teachers Association. These persons are leaders in local congregations:

"I don't know what our church should do about that".(school desegregation)
"I just can't get involved."
"I have enough problems in my congregation, without taking on the educational system."
"I just don't go along with busing."
"I don't think you have to have desegregated schools to have quality education."
"We do not have any children in our congregation..therefore we can't do anything about the situation."
"That's up to the Courts."
"The Government has taken everything from me...I have nothing more to give."
"I thought the Court's recent decision meant we didn't have to bother with that anymore."

There is a need for denominational and judicatory executives to help to give a "sense of direction" to people in their constituencies. It is hoped that this statement calling for the desegregation of our schools will bring into reality quality education for every child. This statement ought to encourage and enable local congregations to move into the community to become the leaven.

Because we are at this point in history, and are able to face the responsibility of the religious community for it, we can look forward to creating a different future for the children of tomorrow.

THEOLOGICAL RATIONALE

WE BELIEVE that the law of God is that we are to live together in covenant with Him and with all people. That covenant relationship requires us "to do justice, to love mercy, and to walk humbly with God" which demands of us our highest humanity. Celebrating the great diversity of the society in the United States of America, and believing in the equality under God——— we affirm the need to bring to that society a ministry of reconciliation.

The Church and Synagogue are a spiritual and moral presence in the Community and as such must accept responsibility for the quality of life within the community. Since this is inextricabl bound up with the education provided for our children, we must speak out against any system which denies any child full and equal education.

We confess that as a People of Faith, we have allowed segregation to exist. We have spoken words of justice and equality, but have permitted injustice and inequality to dominate one of the greatest freedoms under our Constitution - education.

God has called us to responsible freedom under our covenant faith. To deny that responsibili of acting with courage and conviction, is to forfeit our privilege and our opportunity to act as agents of reconciliation. God has called us to be co-creators with himself. To exercise the right is a privilege and an obligation. This means that we are called to consider and to act upon those principles which we hold in highest value. The freedom to right old wrongs, to make all things new, and to seek justice is our right and our responsibility as persons of faith in a God who has given us that responsible freedom in covenant with himself.

We further believe that a spiritual and moral presence should replace despair with hope in the reality of the lives of all persons in the community. We have a responsibility to speak words of faith which will continually call us to live out the principles and values whi are inherent in our covenant with God and in the Constitution of the United States of America

On July 29, 1868, the Fourteenth Amendment to the United States Constitution became the law of the land. The intent of the Amendment is that the privileges, immunities and equal protection under the law shall not be denied any American citizen by any legislative action or process.

The purpose of the Amendment was to ensure that Blacks, who were freed from slavery by the Thirteenth Amendment in 1866 would have their rights as American citizens explicitly declared and guaranteed beyond all Constitutional doubt.

As with all Constitutional Amendments, it became the task of the United States Supreme Court to serve as final interpreter. In 1896 in Plessy vs. Ferguson, the court, in a seven to one ruling, declared that separate but equal facilities did not violate the guarantees of the Fourteenth Amendment. Justice Brown in writing the majority opinion, documented his argument "....the most common instance of this (State sanctioned separation of the races) is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power.....".

Segregation enjoyed the sanction of the highest Court of the land until 1954, when in Brown vs. Board of Topeka, the Court unanimously ruled that enforced racially separate facilities (schools) were inherently unequal, and so in violation of the Fourteenth Amendment. In perhaps the most soaring passage of the opinion, Chief Justice Warren declared:

> "To separate them (black children) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

In 1955, the Supreme Court ruled on the implementation of its 1954 ruling:

> "Full implementation of the constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles (segregated schools being unequal and, therefore, unconstitutional)."

Over the past twenty-three years, a variety of actions have been taken to break down illegal segregation in our nation's schools. Many court cases have been filed. Over five hundred legal actions have been taken by the Justice Department against segregated school systems under the 1964 Civil Rights Act. The Department of Health, Education and Welfare through its administration of the Elementary and Secondary Education Act, has used the withholding of funds to assure equal educational opportunity. The struggle goes on to make real the Constitutional guarantee of equal educational opportunity by abolishing segregation in educational systems and facilities.

School systems across Indiana have been confronted with the issue of school desegregation. Actions of various types have been initiated in Anderson, East Chicago, Evansville, Ft. Wayne Gary, Indianapolis, Jeffersonville, Kokomo, Richmond, South Bend and Terre Haute. The Indianapolis case is, perhaps, best known with the United States Supreme Court upholding the finding that the system is guilty of de jure segregation.

The issue of segregated education in Indiana is real and continues. The Constitutional right of Indiana's racial minorities in education, as guaranteed by the Fourteenth Amendment, continue to be violated.

BACKGROUND PAPER

PRECEDEN
FOR
STATEMENT ON DESEGREGATI

"One of the initial steps in community preparation for school desegregation is for a community group to develop a public statement in behalf of a peaceful process and a humane implementation of an ensuing desegregation plan. This may be done either independently or in cooperation with other groups.

"Statements once made tend to become unifying positions which portray strong civic and moral leadership in the community."

(Developing The Public Position Statement, published by the National Center for Quality Integrated Education, Wash.,D.C.)

The following statements in this booklet are taken from that document listed above.

Exhibit 1 - Greater Cleveland Interchurch Council, Cleveland, Ohio 1975
"Statement of Policy and Concerns"

Exhibit 2 - Coalition for Peaceful Integration - Detroit, Michigan February 1,1973
"Statement of Purpose"

Exhibit 3 -"Interfaith Affirmation on Dayton School Desegregation", Dayton, Ohio

Exhibit 4 -"A Statement of Religious Concern for Education in Kansas City,"1975

Exhibit 5 - Community Relations Conference of Southern California
(Presented to Los Angeles Consultation sponsored by the Los Angeles Council of Churches, February 27-28, 1976)

Exhibit 6 - "A Call to the Religious Community and all Citizens", Autumn 1975, Jefferson County, Kentucky.

Exhibit 7 - "A Pledge of Personal Commitment to Peace"- Concerned Citizens for Omaha

Exhibit 8 - Statement of Urban League of Nebraska